



SA2004RF0028

People's Advocate, Inc.

3407 Arden Way • Sacramento, CA 95825

[www.peoplesadvocate.org](http://www.peoplesadvocate.org)

[www.tedcosta.com](http://www.tedcosta.com)

August 13, 2004

The Hon Attorney General  
Bill Lockyer

Attention: Trish Knight, Initiative Coordinator

Dear Trish:

Enclosed you will find an initiative, entitled "Citizen Legislature Act," three pages in length. Also included is a check for \$200.00 as required.

I am asking you to prepare a title and summary. I am a registered voter in California and a citizen of the United States.

Thank You,

Edward J. "Ted" Costa  
CEO of People's Advocate

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AUG 16 2004

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

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AFFIDAVIT

I, Ted Costa, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for this ballot.

Ted Costa

Dated this 13 day of August, 2004

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## THE CITIZEN LEGISLATURE ACT

## SECTION 1. Title.

This measure shall be known and may be cited as "The Citizen Legislature Act."

## SECTION 2. Findings and Purposes.

The People of the State of California hereby make the following findings and declare that their purpose in enacting this measure is as follows:

(a) California's experiment with a "full-time" Legislature has failed. The result has been a Legislature dominated by career politicians beholden to special interests. Legislators do not work "full-time"; yet, they receive full-time pay and benefits. They receive "per diem" expense payments for days that they are not conducting legislative business. Yet, with all of these incentives, they continually fail to accomplish their most important job: passing a state budget on time.

(b) California needs and deserves a Legislature that is only interested in conducting the People's business. California's "full-time" Legislature has instead drawn legislators away from the People's business -- away from their districts, their constituents, and their families -- and kept them in Sacramento. Most states have a part-time Legislature. A part-time Legislature will restore the Legislature to one comprised of citizen legislators who hold other jobs that are subject to the same laws that they pass. It will help break the stranglehold of special interests. It will reduce the number of unnecessary and self-serving bills, and will result in a more responsible and accountable government institution.

(c) Amending the California Constitution to enact the "Citizen Legislature Act" will give the People of the State of California a Legislature where citizen legislators conduct the People's business.

## SECTION 3. Section 3 of IV of the California Constitution is amended to read as follows:

## Sec. 3.

(a) The Legislature shall convene in regular session at noon on the first Monday in December of each even-numbered year for the sole purpose of organizing and each house shall immediately organize. Each regular session of the Legislature shall adjourn sine die by operation of the Constitution at midnight on June 30 ~~November 30~~ of the following even numbered year.

(b) After the Legislature has organized, it shall reconvene in regular session on the first business day of January each year, shall not meet in regular session after June 30 of any calendar year, and shall not meet for more than 90 days during any biennial session.

(c) Notwithstanding subdivision (b), the Legislature may reconvene for an additional period of 15 days following any adjournment to reconsider bills vetoed by the Governor pursuant to section 10 of this article.

(d) (b) On extraordinary occasions the Governor by proclamation may cause the Legislature to assemble in special session. When so assembled it has power to legislate only on subjects specified in the proclamation but may provide for expenses and other matters incidental to the session.

(e) Legislative committees shall be convened, and hearings shall be held, only on days that the Legislature meets.

SECTION 4. Section 4 of Article IV is amended to read as follows:

(a) To eliminate any appearance of a conflict with the proper discharge of his or her duties and responsibilities, no Member of the Legislature may knowingly receive any salary, wages, commissions, or other similar earned income from a lobbyist or lobbying firm, as defined by the Political Reform Act of 1974, or from a person who, during the previous 12 months, has been under a contract with the Legislature. The Legislature shall enact laws that define earned income. However, earned income does not include any community property interest in the income of a spouse. Any Member who knowingly receives any salary, wages, commissions, or other similar earned income from a lobbyist employer, as defined by the Political Reform Act of 1974, may not, for a period of one year following its receipt, vote upon or make, participate in making, or in any way attempt to use his or her official position to influence an action or decision before the Legislature, other than an action or decision involving a bill described in subdivision (c) of Section 12 of this article, which he or she knows, or has reason to know, would have a direct and significant financial impact on the lobbyist employer and would not impact the public generally or a significant segment of the public in a similar manner. As used in this subdivision, "public generally" includes an industry, trade, or profession.

(b) Travel and living expenses for Members of the Legislature in connection with their official duties shall be prescribed by statute passed by rollcall vote entered in the journal, two-thirds of the membership of each house concurring; provided that Members shall receive travel and living expenses only in connection with the following official duties: (1) actual days spent attending the biennial session of the Legislature not to exceed a total of 90 days pursuant to subdivision (b) of section 3; (2) actual days spent attending a session of the Legislature to reconsider a bill vetoed by the Governor not to exceed 15 days pursuant to subdivision (c) of section 3; (3) actual days, but not to exceed 15 days, spent attending a special session of the Legislature caused by proclamation of the Governor pursuant to subdivision (d) of section 3 or subdivision (d) of section 10 of this Article. A Member may receive such expenses only when duties are performed at a location at least 20 miles from his or her place of residence. A member may not receive travel and living expenses during the times that the Legislature is in recess for more than three calendar days, unless the Member is traveling to or from, or is in attendance at, any meeting of a committee of which he or she is a member, or a meeting, conference, or other legislative function or responsibility as authorized by the rules of the house of which he or she is a member, which is held at a location at least 20 miles from his or her place of residence.

(c) The Legislature may not provide retirement benefits based on any portion of a monthly salary in excess of five hundred dollars (\$500) paid to any Member of the Legislature unless the Member receives the greater amount while serving as a Member in the Legislature. The Legislature may, prior to their retirement, limit the retirement benefits payable to Members of the Legislature who serve during or after the term commencing in 1967. When computing the retirement allowance of a Member who serves in the Legislature during the term commencing in 1967 or later, allowance may be made for increases in cost of living if so provided by statute, but only with respect to increases in the cost of living occurring after retirement of the Member. However, the Legislature may provide that no Member shall be deprived of a cost of living adjustment based on a monthly salary of five hundred dollars (\$500) which has accrued prior to the commencement of the 1967 Regular Session of the Legislature.

**SECTION 5. Section 10 of Article IV is amended to read as follows:**

(a) Each bill passed by the Legislature shall be presented to the Governor. It becomes a statute if it is signed by the Governor. The Governor may veto it by returning it with any objections to the house of origin, which shall enter the objections in the journal and proceed to reconsider it. If each house then passes the bill by rollcall vote entered in the journal, two-thirds of the membership concurring, it becomes a statute.

~~(b)(1) Any bill, other than a bill which would establish or change boundaries of any legislative, congressional, or other election district, passed by the Legislature on or before the date the Legislature adjourns for a joint recess to reconvene in the second calendar year of the biennium of the legislative session, and is in the possession of the Governor after that date, that is not returned within 30 days after that date being presented to the Governor becomes a statute.~~

~~(2) Any bill passed by the Legislature before September 1 of the second calendar year of the biennium of the legislative session and in the possession of the Governor on or after September 1 that is not returned on or before September 30 of that year becomes a statute.~~

~~(3) Any other bill presented to the Governor that is not returned within 12 days becomes a statute.~~

~~(4) (2) If the Legislature's by adjournment of a special session prevents the return of a bill with the veto message, the bill becomes a statute unless the Governor vetoes the bill within 12 30 days after it is presented by depositing it and the veto message in the office of the Secretary of State.~~

~~(5) If the 12th day of the period within which the Governor is required to perform an act pursuant to paragraph (3) or (4) of this subdivision is a Saturday, Sunday, or holiday, the period is extended to the next day that is not a Saturday, Sunday, or holiday.~~

~~(c) Any bill introduced during the first year of the biennium of the legislative session that has not been passed by the house of origin by January 31 of the second calendar year of the biennium may no longer be acted on by the house. No bill may be passed by either house on or after September 1 of an even numbered year except statutes calling elections, statutes providing for tax levies or appropriations for the usual current expenses of the State, and urgency statutes, and bills passed after being vetoed by the Governor.~~

~~(d) The Legislature may not present any bill to the Governor after November 15 of the second calendar year of the biennium of the legislative session.~~

~~(c) (e) The Governor may reduce or eliminate one or more items of appropriation while approving other portions of a bill. The Governor shall append to the bill a statement of the items~~

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reduced or eliminated with the reasons for the action. The Governor shall transmit to the house originating the bill a copy of the statement and reasons. Items reduced or eliminated shall be separately reconsidered and may be passed over the Governor's veto in the same manner as bills.

~~(d)(1)(f)(1)~~ If, following the enactment of the budget bill for the 2004-05 fiscal year or any subsequent fiscal year, the Governor determines that, for that fiscal year, General Fund revenues will decline substantially below the estimate of General Fund revenues upon which the budget bill for that fiscal year, as enacted, was based, or General Fund expenditures will increase substantially above that estimate of General Fund revenues, or both, the Governor may issue a proclamation declaring a fiscal emergency and shall thereupon cause the Legislature to assemble in special session for this purpose. The proclamation shall identify the nature of the fiscal emergency and shall be submitted by the Governor to the Legislature, accompanied by proposed legislation to address the fiscal emergency.

(2) If the Legislature fails to pass and send to the Governor a bill or bills to address the fiscal emergency by the 45th day following the issuance of the proclamation, the Legislature may not act on any other bill, nor may the Legislature adjourn for a joint recess, until that bill or those bills have been passed and sent to the Governor.

(3) A bill addressing the fiscal emergency declared pursuant to this section shall contain a statement to that effect.

#### **SECTION 6. Effective and Operative Dates.**

This measure shall become effective immediately unless it is adopted during a pending biennial session, in which case it shall become effective immediately following the adjournment sine die of said pending biennial session.

#### **SECTION 7. Severability.**

If any part of the measure or the application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications which could reasonably be given effect without the invalid provision or application.

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